

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:12-po-039

-vs- Magistrate Judge Michael R. Merz

:
TYRONE E. RODGERS,

Defendant.

ORDER

This case is before the Court for review upon Defendant's initial appearance. The Court notes that Defendant is charged in Violation Notice V0120015 with theft of personal property in violation of 18 U.S.C. § 661. Violations of that section of the criminal code are Class A misdemeanors and therefore may not be prosecuted on a violation notice. Fed. R. Crim. P. 58(b)(1). It is accordingly ordered that Violation Notice V0120015 be, and it hereby is, dismissed without prejudice to the Government's filing an information charging the same offense.

March 8, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge